

Developmental Disabilities Planning Council

FINAL Bylaws

**Approved by the Administrative/Planning Committee on April 28,
2010**

**Presented to the full Council, May 21, 2010
Approved by Council on May 21, 2010**

I. **NAME**

Developmental Disabilities Planning Council is established by Executive Order, 2009-08, by Governor Janice K. Brewer.

II. **PURPOSE**

The purpose of the Developmental Disabilities Planning Council ("the Council"), authorized under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act, Public Law 106-402), is to engage in advocacy, capacity building and systemic change activities that contribute to and assure that a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated in all facets of community

life [DD Act, Section 121 (1-2)]¹

III. **STRUCTURE**

A. The membership of the Developmental Disabilities Planning Council shall be structured to meet requirements of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

1. Not less than 60 percent of the membership of each Council shall consist of individuals who are:
 - a. Individuals with developmental disabilities;
 - b. Parents or guardians of children with developmental disabilities; or
 - c. Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

¹ Developmental disability is defined by the Council as a severe, chronic disability of an individual that a) is attributable to a mental or physical impairment or combination of mental and physical impairments; b) is manifested before the individual attains age twenty-two; c) is likely to continue indefinitely; d) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, economic self-sufficiency; and, e) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

- d. Not employees of a State agency that receives funds or provides services under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act and who are not managing employees of any other entity that receives funds or provides services under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act.
- 2. Of the members identified in Section 125 3(A), 1/3 shall be individuals with developmental disabilities, 1/3 shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities, and 1/3 shall be a combination of these individuals.
- 3. Of the members identified in Section 125 3(A), at least 1 of these members shall be an immediate relative or guardian of an individual with a developmental disability who resides in or previously

resided in an institution or shall be an individual with a developmental disability who resides in or previously resided in an institution.

4. Each Council shall include representatives of relevant State entities, including:
 - a. State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);
 - b. University Centers of Excellence in developmental disabilities (University of Arizona and Northern Arizona University);

- c. The State protection and advocacy system for persons with developmental disabilities (Arizona Center for Disability Law); and
- d. Representatives, at all times, of local and non-governmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

B. Appointments

- 1. Members of the Council shall be appointed and serve at the pleasure of the Governor, as defined in the DD Section 125(b)(1)(A).
- 2. Members of the Council shall serve staggered three-year terms.
- 3. The Council Chair shall forward recommendations for appointments and reappointments to the Governor's

Office. When a position becomes vacant on the Council because of a resignation or termination, the Governor's Office of Boards and Commissions must be notified by the Executive Director as authorized by the Chair and the Director of Boards and Commissions has the responsibility of recommending an individual to the Governor to fill this vacancy. The Council Chair and/or Council members do not have the authority to recommend unless asked to do so by the Director of the Governor's Office, Boards and Commissions.

C. Responsibilities of Members

1. Members are expected to attend all meetings in person, by teleconference or by video conference, at a site convenient or most proximate to their work or home; and have meeting materials with them for participation; however, if circumstances arise that conflict or an excused absence is given prior to a

scheduled Council meetings, it is expected that the member contact the Executive Director or staff of the Council to inform them in advance of the meeting whenever possible of the necessary absence.

2. Members are expected to participate in any activities and deliberations, including field visits, at the request of the Chair.
3. Each member shall recuse themselves from the appearance of a conflict of interest, shall not participate in the discussion and shall excuse themselves from the meeting. This would apply to any agenda item, including grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors or applicants, [DD Act Section 124(c)(5)(D) and Section 125 (b)(4)(B)(ii)].

4. Member shall serve on at least one standing committee. See Section III(C)(F) of these bylaws.
5. Members shall notify the Executive Director or staff of the Council when unable to attend Council meetings, including meetings of standing committees on which they serve. Without proper notification, the Chair may forward a recommendation to the Governor, for the termination of such member from the Council.
6. The Council shall recruit and hire an Executive Director of the Council, should the position of the Executive Director become vacant. The Council shall supervise and annually evaluate the Executive Director. Decisions regarding the selection and termination of the Executive Director shall be made by majority vote of the full Council and shall be in conformity with the laws of the State of Arizona [DD

Act Section 125 (b)(9)].

7. Members shall serve as a link between the Council and its consumers.
8. Members shall establish and/or approve policy, and monitor the implementation of policy direction.
9. Members shall participate in the development and approval of a Five Year State Plan, identifying and authorizing priorities for funding, and monitoring implementation of priorities.
10. Members shall approve the Council's annual budget, and monitor financial management of the Council.
11. Members shall ascribe to the Executive Director, spending authority in accordance with the Council's approved Administrative Budget, for purposes of

maintaining Council staff to support Council business.

The Executive Director shall have spending authority as defined by policy and approval by the full Council.

D. Council Officers

Council officers shall consist of the Council Chair and the Council Vice-Chair, as appointed by the Governor.

Council Chair and Vice-Chair serve at the pleasure of the Governor.

E. Responsibilities of Officers

1. The Chair shall:

- a. Call and preside over all full Council meetings.
- b. Call special meetings, when necessary.
- c. Develop the agenda for full Council meetings with the assistance of the Executive Director

and Council staff.

- d. Serve as an ex-officio member of all [standing committees and special \(ad-hoc\) committees](#).
- e. Serve as an official spokesperson for the Council.
- f. Ensure that members are informed of all pertinent information concerning developmental disabilities.
- g. Supervise preparation of reports of the Council as appropriate.
- h. Coordinate the annual evaluation of the Council's Executive Director.

- 2. Vice-Chair shall act on those activities as assigned

by the Chair, including the performance of all duties of the Chair in the Chair's absence.

F. **Standing Committees**

1. Council Chair or Vice-Chair may appoint Council members to serve on any standing committee or **special (ad-hoc) committee**. A special committee shall be those committees that are formed to address a specific purpose and are time limited in nature and intent. A standing committee shall be those committees, as established by the Chair, to address the goals and objectives of the Council's five-year plan.
 - a. The Council Chair shall appoint the Chairs of the standing or special committees.
 - b. Members shall serve on at least one standing committee.
 - c. The Council Chair may appoint non-Council

members to sit on Council standing committees for educational purposes only, but only Council members may vote on standing committee matters.

2. The Council's standing committees are:

- a. Administrative / Planning – Standing committee shall be charged with the following tasks:
 - 1. Annual evaluation of the Executive Director performance.
 - 2. Five Year State Plan development and annual review of goals and objectives.
 - 3. Annual review of Council Bylaws.
 - 4. Review of policies and procedures governing the actions and functions of the Council.
 - 5. Other Administrative functions, as necessary to support the Council activities, and as prescribed in the DD Act of 2000.

- b. Grants Review – Standing committee shall be charged with the following tasks:
 - 1. Abide by Title 41, Chapter 23 of Arizona Revised Statutes, State Procurement Code.
 - 2. Award any grant in accordance with the competitive grant solicitation requirements of Title 41, Chapter 24 of Arizona Revised Statutes, Solicitation and Award of Grants.
 - 3. With Council staff, prepare any Request for Proposals, Interagency Service Agreements or Intergovernmental Agreements, that support the Council's Five Year State Plan.
 - 4. Meet as needed, either in person, by teleconference or by video conference, to facilitate and speedily process Request for Proposals, Interagency Service Agreements or Intergovernmental Agreements to ensure that Council appropriations are made in compliance with time frames set forth in the

DD Act grant award cycles.

c. Public Policy – Standing Committee shall be charged with the following tasks:

1. Review and analysis of all public policy issues impacting individuals with developmental disabilities and their families.
2. Responsible for the Council presence in the community, to educate and advocate for the supports and needs of individuals with developmental disabilities and their families.
3. The DDPC will maintain an Executive Committee for the purpose of dealing with urgent or time sensitive issues that require a response on behalf of the full Council. The Executive Committee will convene when decisions are necessary but cannot be obtained from the full Council due to not being able to assemble the Council on a timely basis.

- a. The use of the Executive Committee will be limited to the following situations:
 - 1. Urgent personnel issues requiring immediate action.
 - 2. Review and approval/disapproval of Requests for Grant Applications, Interagency Service Agreements, or Intergovernmental Agreements or other grant proposals necessary to comply with state procurement rules and for obligating and liquidating financial allocations within set time frames.
 - 3. All other urgent matters affecting the functions and activities of the Council that must be addressed prior to the next scheduled full Council meeting.
- b. The Executive Committee will be comprised of the following Council representatives:
 - 1. Chair of the Council.
 - 2. Vice-Chair of the Council.

3. Chair or Co-Chair of the
Administrative/Planning Standing
Committee.
4. Chair of the Grants Standing
Committee.
5. Chair of the Public Policy Standing
Committee.

IV. PROCEDURES

- A. The Developmental Disabilities Planning Council shall hold all meetings in accordance with the Open Meeting Law of the State of Arizona, Arizona Revised Statutes §38-431-431.09.
- B. Quorum
A quorum is defined as one more than half of the voting members of the full Council, including the number of vacant positions. The total number of Council members represented on the DDPC is twenty-three.

1. A quorum for the Full Council meeting is defined as having 13 or more members present at the meeting.

2. In order to vote on approved agenda items during any Council meetings, one more than half of the voting members must be present.

C. Voting

All decisions shall be made by majority vote of a quorum of the members of the full Council, standing committee, or special committee. *The Chair shall have the final vote if a tie is reached by the members of the full Council.*

D. Meetings

1. *The Council shall meet at least quarterly, or as determined by the Chair.* All meetings shall be held in compliance with the Open Meeting Law of the State of Arizona, Arizona Revised Statutes §38-431 - 431.09.

2. Minutes shall be kept of all full Council, standing committee and special committee meetings. Such minutes shall be made available to the public upon request, in compliance with the Open Meeting Law of the State of Arizona, Arizona Revised Statutes §38-431.01(B) and §38-431.01(D).
3. Unless otherwise noted in the bylaws, the Council will follow Robert's Rules of Order Newly Revised (see Robert's Rules of Order Newly Revised, 10th Edition).

E. Executive Session

Executive Session means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in the Open Meeting Law of the State of Arizona, Arizona Revised Statute §38-31.03. In addition to the members of the public body, officers, appointees and employees as provided in

A.R.S. §38-431.03 and the auditor general as provided in A.R.S. §41-1279.04, only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session.

1. Before a public body may go into executive session, a majority of the members constituting a quorum must vote in a public meeting to hold the executive session, as stated in A.R.S. §38-431.03(A).

2. Once the majority of members of the public body has voted to hold an executive session, the chairman of the public body should ask the public to leave and remove all materials such as briefcases and backpacks to ensure that no recording devices have been left in the room. All persons must leave the meeting except the members of the public body and those individuals whose presence is reasonably necessary for the public body to carry out its

executive session responsibilities.

3. The chairman should remind all present that the business conducted in executive sessions is confidential pursuant to A.R.S. §431.03(C).
4. In executive session, the public body may discuss and consider only the specific matters authorized by the statute. Furthermore, the public body may not take a vote or make a final decision in the executive session, but rather must reconvene in a public meeting for purposes of taking the binding vote or making final decisions. Taking a straw poll or informal or preliminary vote in executive session is unlawful under Open Meeting Law, A.R.S. §38-431.03(D).
5. The Open Meeting Law permits only seven categories of topics to be discussed in executive session, per A.R.S. §38-431.03

1. Personnel discussions
2. Confidential records
3. Legal advice
4. Litigation, contract negotiations, and settlement discussions
5. Employee salary discussions
6. International, interstate, and tribal negotiations
7. Purchase, sale, or lease of real property

V. ETHICS/CONFLICT OF INTEREST

Council members shall abide by and follow State of Arizona Conflict of Interest, Arizona Revised Statutes §38-501-511.

Council members have an obligation to avoid conflicts of interest or any appearance of conflicts between their personal interests and the interests of the Council. Conflicts of interest often relate to situations where a member uses influence with the Council for personal gain. Council members should only speak publicly on behalf of the Council when authorized. When speaking publicly on behalf of the Council members must

represent the Council's interests and not their own.

At the beginning of each full Council, standing and special committee's, Council members will individually disclose their identified conflict of interest. All attendees will have their verbal responses recorded in the minutes, if identifying a conflict.

A. All Council members are prohibited from:

1. Using their position as a Council member to give any person, organization, or entity special advantage over anyone else.
2. Personally profiting from Council activities.
3. Disclosing or using information obtained by virtue of their position with the Council to give special advantage to any person, organization or company.
4. Allowing or appearing to allow conflicts of interest to affect their judgment of the operations of the Council.

5. Engaging in activities that either create or give the appearance of conflict of interest.
6. Casting a vote on any matter that would provide direct financial benefit to the members or otherwise give the appearance of a conflict of interest (DD Act Section 124(c)(5)(D)).

VI. AMENDMENTS TO THE BYLAWS

The bylaws of the DDPC may be amended at any time.

Amendments to the bylaws must be submitted to all members of the Council at least seven days prior to any full Council meeting in which the bylaws will be reviewed and voted upon.

Amendments to the bylaws may be offered up to the Chair and Executive Director for consideration.